



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/742,151	12/19/2003	Daryl Carvis Cromer	RPS920030194US1	6014
57736 7590 08/25/2008 PATENTS ON DEMAND, P.A. 4581 WESTON ROAD SUITE 345 WESTON, FL 33331				
EXAMINER				
TANG, KARIN C				
ART UNIT		PAPER NUMBER		
2151				
MAIL DATE		DELIVERY MODE		
08/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/742,151

**Applicant(s)**

CROMER ET AL.

**Examiner**

KAREN C. TANG

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

- This action is responsive to the amendment and remarks file on 6/16/08.
- Claims 1-19 and 21 are presented for further examination.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Sameer did not disclose the device is going completely to sleep and is not periodically polling the AP.

Examiner disagrees.

Contrary to applicant's allegation, Sameer disclosing that the device 11 of Sameer's system "does not required" to wake up periodically, and thus means that Sameer's system is not limited to the conventional functionality but still capable of performing the limitation.

Furthermore, as already stated in Sameer, it is well known in the art that the device will power up periodically from its power-saving state to receive information from the Access Point (refer to Page 1, Lines 29-37), and thus the feature is not novel.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no written support within the specification supporting "...while the mobile system is in a power down state and without waking the mobile system". Correction is required.

Claim 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no written support within the specification supporting "...for the request for asset information while the powered-down mobile system remains powered down..". Correction is required.

Claim 14-19, 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no written support within the specification supporting "...which is presently powered down..". Correction is required.

Claim 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no written support within the specification supporting "computer readable storage medium". Correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is ambiguous and contradicting for applicant to claimed it is the wireless network adaptor that is configured to respond to discovery of the stored request by retrieving the request information while applicant's own specification (i.e., see abstract) has indicates that it is the mobile device that is performing the act of responds. Furthermore, in the light of applicant's specification, when the mobile system powered up the wireless network adaptor, the mobile system is capable of responding the discovery of the stored request, and the mobile system does not appear to be in its powered down state.

For the examining purpose, the limitations below:

"...for the request for asset information while the powered-down mobile system remains powered down." in Claim 1, "...for the request for asset information while the powered-down mobile system remains powered down.." in Claim 7, and "...which is presently powered down..". in Claim 14, will be interpreted as "while the mobile system is powered-up".

Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7-9, 11, 12, 14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636) in further view of Diepstraten et al hereinafter Dispstraten (US 2008/0037467).

1. Referring to Claims 1, 7 and 14, Sameer discloses an access point configured to receive and store a request to retrieve information from a mobile system associated with the access point (refer to abstract); a mobile system having a wireless network adapter, and the wireless network adaptor being configured to periodically wake from a powered down state (refer to Col 1, Lines 29-35) and poll the access point to discover the stored request for information on the access point

(the device would wake up periodically, refer to Col 2, Lines 60-62) while the mobile system is in a powered down state and without waking the mobile system (refer to Col 1, Lines 45-50); Although Sameer disclosed the invention substantially as claimed, Sameer is silent regarding " wherein the wireless network adapter is configured to respond to discovery of the stored request by retrieving the requested information from nonvolatile storage of the mobile system and transmitting the requested information via the wireless network adapter".

Cromer, in an analogous art disclosed "wherein the wireless network adapter is configured to respond to discovery of the stored request by retrieving the requested information from nonvolatile storage of the mobile system and transmitting the requested information via the wireless network adapter." (Refer to Col 3, Lines 32-37).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Although Sameer and Cromer disclosed the invention substantially as claimed, Sameer and Cromer did not explicitly indicate that "the wireless network adaptor subsequently return to the powered down state"

Diepstraten, in an analogous art disclosed "the wireless network adaptor subsequently return to the powered down state (refer to 0026-0027)"

Hence, providing features disclosed by Diepstraten, would be desirable for a user to implement in order for the system to improve the ability in the network that the data reached to the intended recipient station.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Sameer and Cromer by having the wireless network adaptor subsequently return to its powered down state which is capable to improve the ability in the network that the data reached to the intended recipient station.

2. Referring to Claim 21, Sameer discloses the service of claim 14, wherein enabling the mobile client to query the access point, comprises enabling the client to query the access point during a subsequent mobile client power on event causing the mobile client to associate with the access point (the device would wake up periodically, refer to Col 2, Lines 60-62).

3. Referring to Claim 3, and 9, Sameer discloses the network of claims 1 and 7, wherein the mobile system is further configured, when in a powered down state, to periodically wake up the wireless network adapter to poll the access point for pending requests (the device would wake up periodically, refer to Col 2, Lines 60-62).

Although Sameer disclosed the invention substantially as claimed, Sameer is silent regarding "wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus."



Cromer, in an analogous art disclosed "wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage (refer to Col 4, Lines 52-65 and Col 3, Lines 30-32), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus (refer to Col 5, Lines 1-3).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

4. Referring to Claim 8, although Sameer discloses the invention substantially as claimed in Claims 7 and 14, Sameer is silent regarding wherein the code means for retrieving the asset information comprises code means for accessing the asset information from nonvolatile storage on the mobile system while the network adapter is powered on; wherein mobile system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus.

Cromer, in an analogous discloses wherein the code means for retrieving the asset information comprises code means for accessing the asset information from nonvolatile storage on the mobile system while the network adapter is powered on (refer to Col 3, Lines 33-38); wherein mobile

system is configured to remain in the power down state while the wireless network adaptor is responding to the discovery of the stored request by retrieving the request information from nonvolatile storage (refer to Col 4, Lines 52-65 and Col 3, Lines 30-32), and wherein the nonvolatile storage is connected directly to the wireless network adaptor via a system management bus (refer to Col 5, Lines 1-3).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

5. Referring to Claims 11, and 12, although Sameer discloses the invention substantially as claimed in Claims 10, Sameer is silent regarding wherein each table entry contains a MAC address of the corresponding wireless network adapter.

Cromer, in an analogous discloses, wherein entry contains a MAC address of the corresponding wireless network adapter (refer to Col 6, Lines 29-43);

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

6. Referring to Claim 19, although Sameer discloses the invention substantially as claimed in Claim 14, Sameer is silent regarding  
" wherein enabling the mobile client to retrieve the information includes enabling the wireless adapter to retrieve data from nonvolatile storage directly connected to the wireless network adapter via a system management bus."

Cromer, in an analogous art discloses "wherein enabling the mobile client to retrieve the information includes enabling the wireless adapter to retrieve data from nonvolatile storage directly connected to the wireless network adapter via a system management bus." (Refer to Col 3, Lines 32-37)

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Claims 2, 13, 15, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636) and in further view of Diepstraten et al hereinafter Dispstraten (US 2008/0037467) and "Wake On Lane – An Overview" hereinafter WOL.

7. Referring to Claims 2, 13, and 15, Although Sameer, Cromer and Dispstraten disclosed the invention substantially as claimed the network of Claim 1, 7 and 14, Sameer, Cromer and

Dispstraten did not explicitly stating “wherein the access point is configured to recognize the request as a packet containing a media access control (MAC) address repeated multiple times and an appended control field.”

WOL discloses, “wherein the access point is configured to recognize the request as a packet containing a media access control (MAC) address repeated multiple times and an appended control field.” (refer to Page 1, paragraph 5, WOL further disclosed that the technology could be used on the network interface to signal the device to turn itself on, and the device is a remote device, refer to Page 1, par 2)

Hence, providing features disclosed by WOL, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Sameer, Cromer and Diepstraten by including the features that allows servers to remotely access information from a power off client because Cromer discloses the use of a “magic packet” sent by server.

8. Referring to Claim 16, Sameer, Cromer and Dispstraten disclose the network of claims 1, 7, and 14, wherein the access point is configured to store the pending request in a table having an entry for each mobile system associated with the access point wherein each entry in the request contains address of the corresponding mobile system’s wireless network adaptor (refer to Col 2, Lines 16-20, and Col 3, Lines 10-25).

Although Sameer discloses the invention substantially as claimed in Claims 10, Sameer is silent regarding wherein each table entry contains a MAC address of the corresponding wireless network adapter.

Cromer, in an analogous discloses, wherein entry contains a MAC address of the corresponding wireless network adapter (refer to Col 6, Lines 29-43);

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

9. Referring to Claim 17. although Sameer discloses the invention substantially as claimed in Claim 16, Sameer is silent regarding wherein each entry in the table is further enabled to store the corresponding mobile system's MIF asset information.

Cromer, in an analogous art discloses wherein each entry in the table is further enabled to store the corresponding mobile system's MIF asset information (refer to Col 1, Lines 63-67).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

10. Referring to Claim 18. Sameer, Cromer and Dispstraten disclose the invention substantially as claimed in Claim 17, Sameer is silent in regards to "wherein the server request is a request for the mobile system's asset information". Cromer, in an analogous art discloses "wherein the server request is a request for the mobile client's asset information" (refer to Col 1, Lines 60-65).

Hence, providing features disclosed by Cromer, would be desirable for a user to implement in order for the server to remotely access client information when the client is power off.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sameer by including the features that allows servers to remotely access information from a power off client.

Because Sameer, Cromer and Dispstraten and WOL do not explicitly teach the concept of storing a valid copy of the mobile client's asset information, the limitations of the claimed conditional statement of "wherein the access point services the request itself if the table contains a valid copy of the mobile client's asset information" are met in that the references will always perform the alternative to the conditional statement.

Claims 4, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameer et al hereinafter Sameer (US 7,158,778) in view of Cromer et al hereinafter Cromer (US 6,381,636) and in further view of Diepstraten et al hereinafter Dispstraten (US 2008/0037467) and Beach et al hereinafter Beach (US 6,067,297).

11. Referring to Claims 4, 5, 6, and 10, Sameer, Cromer and Dispstraten disclose the network of claims 1, 7, and 14, Sameer, Cromer and Dispstraten did not specifically disclosed in regards to “wherein the access point is configured to allocate an entry in the table when a mobile system associates with the access point, wherein asset information from the mobile system is stored in the allocated entry associated with the mobile system.

Beach disclosed “wherein the access point is configured to allocate an entry in the table when a mobile system associates with the access point, wherein asset information from the mobile system is stored in the allocated entry associated with the mobile system (refer to ).

Hence, providing features disclosed by Beach, would be desirable for a user to implement in order to keep track of the status of the client device.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Sameer, Cromer and Dispstraten by including the features that allows servers to remotely access information from a power off client.

### ***Conclusion***

**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the

claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/K. C. T./  
Examiner, Art Unit 2151

/John Follansbee/  
Supervisory Patent Examiner, Art Unit 2151